

**CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

NOV 23 2010

JULIA C. DUDLEY, CLERK  
BY: *J. C. Dudley*  
DEPUTY CLERK

In accordance with the Memorandum Opinion entered this day, it is **ORDERED** and  
**ADJUDGED** that respondent's Motion to Dismiss is **GRANTED**, petitioner's petition is  
**DISMISSED**, and this action is **STRICKEN** from the court's docket.

The court finds that the petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. §2253(c)(1) and **DENIES** a certificate of appealability.

**ENTER:** November 23, 2010.

~~UNITED STATES DISTRICT JUDGE~~